REMARKS

The Examiner has objected to the Specification as failing to provide proper antecedent basis for the claimed subject matter.

First, the Examiner has objected to "'a transaction associated with a single user' in at least claim 1." Applicant respectfully disagrees and asserts that, for example, applicant's Specification on Page 3, lines 9-11, states that "the transaction pattern may include a record of: information submitted by a user, actions taken by the user, actions taken by a system to generate results, and results sent to the user" (emphasis added). Thus, proper antecedent basis in the Specification is provided for applicant's claimed "transaction associated with a single user," as claimed in Claim 1. Of course, such citations (in combination with the remaining Specification) are merely examples of the above claim language and should not be construed as limiting in any manner.

Second, the Examiner has objected to "'instance of the transaction' in at least claim 1." Applicant respectfully asserts that such objection to the Specification is avoided in view of the amendments made hereinabove to the independent claims.

Third, the Examiner has objected to "'e-commerce form' in at least claim 45." Applicant respectfully disagrees and asserts that, for example, applicant's Specification on Page 10, lines 19-22, states that "[t]he user interacts with the e-commerce interface presented on the web site and submits the required information to purchase the item" and that "[t]he user potentially fills out multiple forms..." (emphasis added). Thus, proper antecedent basis in the Specification is provided for applicant's claimed "e-commerce form," as claimed in Claim 45. Of course, such citations (in combination with the remaining Specification) are merely examples of the above claim language and should not be construed as limiting in any manner.

The Examiner has rejected Claims 1, 3-6, 8-16, 18-42, 44, and 45 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant respectfully disagrees with such rejection and asserts that such rejection is avoided in view of the amendments made hereinabove to Claims 1, 11, 12, 16, 26, 27, 31, 33, 38, 41, and 42. Further, applicant respectfully asserts that the presently claimed "other transaction," as claimed in the aforementioned claims, clearly refers to the "another transaction," as claimed in the independent claims. Therefore, applicant asserts that Claims 1, 3-6, 8-16, 18-42, 44, and 45 are clearly definite.

Additionally, on Pages 14-15 of the Office Action dated 04/30/2009, the Examiner has provided definitions for "[a]ssociate," "[f]orm," "[i]nstance," "[r]eflect," "[r]emote," "[t]ransaction," and "[t]o." Applicant respectfully asserts that the aforementioned terms are to be read according to the plain and ordinary meaning thereof, in view of dictionary definitions, and in further view of the definitions provided in the specification.

The Examiner has rejected Claims 1, 3-6, 8-16, 18-42, and 44 under 35 U.S.C. 102(e) as being anticipated by Howard et al. (U.S. Patent No. 6,278,966). Applicant respectfully disagrees with such rejection, especially in view of the amendments made hereinabove to the independent claims. Specifically, applicant has amended the independent claims to at least substantially include the subject matter of former dependent Claim 3 et al.

With respect to independent Claims 1, 16, 31, and 41, the Examiner has relied on "historical data 122" in Howard to make a prior art showing of applicant's claimed "transaction pattern detailing a transaction associated with a single user" (as amended - see this or similar, but not necessarily identical language in the aforementioned claims). Additionally, the Examiner has argued that "a plurality is multiple singles."

Applicant respectfully disagrees and asserts that the excerpt from Howard relied upon by the Examiner teaches that "an online emulator 124 considers real time data such as the available web site entry pages 120 and historical data 122 to determine the movement preferences for a web site visitor across a web site 116" and that "[v]isitation logs 118 are created from each visitors traversal of the site and may be used in offline emulation as discussed below" (Col. 7, lines 21-26 – emphasis added), where the "visitation logs record the actions of every visitor to the web site, gathering historical data on who visits the site and what they do there" (Col. 6, lines 61-63 – emphasis added).

However, considering historical data to determine the movement preferences for a web site visitor across a web site, and creating visitation logs from each visitor's traversal of the site, where the visitation logs record the actions of every visitor, as in Howard, simply fails to teach applicant's claimed "transaction pattern reflecting a transaction associated with a single user" (emphasis added), as claimed by applicant. Furthermore, the Examiner's suggestion that "a plurality is multiple singles," simply fails to suggest "a transaction associated with a single user" (emphasis added), as specifically claimed by applicant.

In the Office Action dated 04/30/2009, on Pages 18-19, the Examiner has argued that "[t]he emulation described by Howard 'reflects' the actions of a plurality of single users accessing the web site," "[s]ee definition of 'reflect' above." Further, the Examiner has stated that "[i]f [a]pplicant clears up the 'instance' issues and replaces 'reflecting' in an appropriate manner, the intended interpretation of the claims may be required" and "would likely overcome the Howard reference and further the progress toward patentability" (emphasis added).

Applicant has amended the claims as suggested by the Examiner. To this end, applicant respectfully asserts that the claims clearly distinguish the Howard reference, such that a notice of allowance or specific prior art showing of each of the foregoing

claim elements, in combination with the remaining claimed features, is respectfully requested.

With respect to independent Claims 33, and 42, the Examiner has relied on "historical data 122" and Col. 6, line 58 in Howard to make a prior art showing of applicant's claimed "recording information submitted by a single user as part of a transaction associated with the single user" (see this or similar, but not necessarily identical language in the aforementioned claims). Additionally, the Examiner has argued that "each of the plurality is associated with a single user."

Applicant respectfully disagrees and asserts that the excerpt from Howard relied upon by the Examiner teaches that "an online emulator 124 considers real time data such as the available web site entry pages 120 and historical data 122 to determine the movement preferences for a web site visitor across a web site 116" and that "[v]isitation logs 118 are created from each visitors traversal of the site and may be used in offline emulation as discussed below" (Col. 7, lines 21-26 – emphasis added), where the "visitation logs record the actions of every visitor to the web site, gathering historical data on who visits the site and what they do there" (Col. 6, lines 61-63 – emphasis added). Additionally, the excerpts teach that "[v]isitors may pursue a site by entering it via several possible entry points and traversing the web site by clicking on clickable resources as discussed above" (Col. 6, lines 56-59 – emphasis added).

However, visitors traversing the web site by clicking on clickable resources, in addition to considering historical data to determine the movement preferences for a web site visitor across a web site, and creating visitation logs from each visitors traversal of the site, where the visitation logs record the actions of every visitor, as in Howard, simply fails to teach applicant's claimed "recording information submitted by a single user as part of a transaction associated with the single user" (emphasis added), as claimed by applicant. Further, the Examiner's suggestion that "each of the plurality is associated with a single user," simply fails to suggest "a transaction associated with a single user" (emphasis added), as specifically claimed by applicant.

In the Office Action dated 04/30/2009, on Pages 18-19, the Examiner has argued that "[t]he emulation described by Howard 'reflects' the actions of a plurality of single users accessing the web site," "[s]ee definition of 'reflect' above." Further, the Examiner has stated that "[i]f [a]pplicant clears up the 'instance' issues and replaces 'reflecting' in an appropriate manner, the intended interpretation of the claims may be required" and "would likely overcome the Howard reference and further the progress toward patentability" (emphasis added).

Applicant has amended the claims as suggested by the Examiner. To this end, applicant respectfully asserts that the claims clearly distinguish the Howard reference, such that a notice of allowance or specific prior art showing of each of the foregoing claim elements, in combination with the remaining claimed features, is respectfully requested.

With respect to independent Claims 1, 16, 31, 33, and 42 the Examiner has relied on Col. 6, line 66 and Col. 7, line 5 in Howard to make a prior art showing of applicant's claimed "a record of...system actions taken by a system in response to the information and the user actions in order to generate results" (see this or similar, but not necessarily identical language in the aforementioned claims).

Applicant respectfully asserts that the excerpts from Howard relied on by the Examiner only disclose "which pages are accessed" (Col. 6, line 66) and "the previous URL that they viewed" (Col. 7, line 5). Clearly, merely disclosing accessed pages and viewed URLs, as in Howard, does not even suggest "system actions taken by a system," let alone specifically "system actions taken by a system in response to the information **and** the user actions in order to generate results" (emphasis added), as claimed, especially where the information includes "information submitted by the user" and the user actions include "user actions taken by the user," in the context claimed.

In the Office Action dated 04/30/2009, on Pages 16-17, the Examiner has argued that Col. 6, line 60-Col. 7, line 7 in Howard "shows that user actions ('who visits the site and what they do there'), system actions ('which pages are accessed,' [i]n order to view a page, a user has to direct a browser on a computer to the address, either through clicking a link or entering a URL... [t]hen the computer retrieves the data from the server at the specified address in order to display it to the user...) and information submitted by the user ([a]s noted above, the user has to submit addresses to go to a web site...) are recorded by Howard."

Applicant respectfully disagrees and asserts that the excerpt from Howard relied upon by the Examiner teaches that "[v]isitation logs 118 are created from each visitors traversal of the site and may be used in offline emulation as discussed below" (Col. 7, lines 24-26 – emphasis added), where the "visitation logs record the actions of every visitor to the web site, gathering historical data on who visits the site and what they do there" (Col. 6, lines 61-63 – emphasis added). Additionally, the excerpt teaches that "[v]isitors may pursue a site by entering it via several possible entry points and traversing the web site by clicking on clickable resources as discussed above" (Col. 6, lines 56-59 – emphasis added).

However, visitors traversing the web site by clicking on clickable resources, in addition to creating visitation logs from each visitors traversal of the site, where the visitation logs record the actions of every visitor and gather historical data on who visits the site and what they do there, as in Howard, simply fails to teach applicant's claimed "record of...system actions taken by a system in response to the information and the user actions in order to generate results" (emphasis added), as claimed by applicant.

Further, in the Office Action dated 04/30/2009, on Page 17, the Examiner has argued that "the details about how the various data is used are not claimed" and that "[a]s data is not a method step, the specific data needs to be used in order for it not to be considered non-functional descriptive material."

Applicant respectfully disagrees and asserts that applicant clearly claims "**storing** in memory a transaction pattern," "wherein the transaction pattern includes a record of:... system actions taken by a system in response to the information and the user actions in order to generate results" (emphasis added), as claimed, which is clearly functional.

With respect to independent Claim 41, the Examiner has again relied on Col. 6, line 66 and Col. 7, line 5 in Howard to make a prior art showing of applicant's claimed "system actions taken by a system in response to the information and the creation and actions in order to generate results."

Applicant again respectfully points out that the excerpts from Howard relied on by the Examiner only disclose "which pages are accessed" (Col. 6, line 66) and "the previous URL that they viewed" (Col. 7, line 5). Clearly, merely disclosing accessed pages and viewed URLs, as in Howard, does not even suggest "system actions taken by a system," let alone specifically "system actions taken by a system in response to the information **and** the creation and actions in order to generate results" (emphasis added), as claimed, especially where the information includes "information submitted by the user" and the creation and actions are "associated with forms...with which a user submits information," in the context claimed.

In the Office Action dated 04/30/2009, the Examiner has failed to specifically respond to applicant's above arguments for applicant's claimed "system actions taken by a system in response to the information **and** the creation and actions in order to generate results" (emphasis added), as claimed. However, as argued hereinabove in response to the Examiner's arguments on Pages 16-17 of the Office Action dated 04/30/2009, applicant respectfully asserts that Howard teaches visitors traversing the web site by clicking on clickable resources, in addition to creating visitation logs from each visitors traversal of the site, where the visitation logs record the actions of every visitor and gather historical data on who visits the site and what they do there, which simply fails to teach applicant's claimed "system actions taken by a system in response to the

information **and** the creation and actions in order to generate results" (emphasis added), as claimed by applicant.

Further, with respect to the independent claims, the Examiner has relied on Col. 9, lines 22-25 in Howard to make a prior art showing of applicant's claimed technique "wherein the transaction pattern further includes information submitted by the single user, in each form and in each step of a login and account access process" (see this or similar, but not necessarily identical language in the independent claims).

Applicant respectfully asserts that the excerpt from Howard relied on by the Examiner simply teaches "launching a script that executes a transaction against their account-whereas most visitors that have just logged on-thereby executing a login script." However, simply mentioning a script that executes a transaction against an account and a login script, as in Howard, does not meet applicant's claimed technique "wherein the transaction pattern further includes information **submitted by the single user**, in each form and in each step of a login and account access process" (emphasis added), as claimed.

In the Office Action dated 04/30/2009, on Page 17, the Examiner has argued that "[a] login is inherently for a single entity or account" and that "a login is understood to contain at least an identifier (username, account number, ID, etc.) and a password." Further, the Examiner has stated that "[t]his data must be input in order to process the login" and that "[t]his data is inserted into a set of data fields (a form, see definition above)." In addition, the Examiner has stated that "Howard is directed toward the execution of multiple simulated logins, each login must be individually executed."

Applicant respectfully disagrees and asserts that Howard teaches "[e]xamples of such conditional descriptions" including "[c]lickstream lifespan distribution," where "[f]or example, most visitors to a financial services web site might leave shortly after placing a trade--thereby launching a script that executes a transaction against their account--whereas most visitors that have just logged on--thereby executing a login script-

-typically have relatively higher clickstream lifespans remaining" (Col. 9, lines 4-5 and 18-27 – emphasis added).

However, launching a script that executes a transaction against their account, in addition to generally teaching that a login script is executed when visitors logon, as in Howard, simply fails to even applicant's claimed technique "wherein the transaction pattern further includes information **submitted by the single user, in each form and in each step of a login and account access process**" (emphasis added), as claimed.

It appears that the Examiner has relied on an inherency argument regarding the above emphasized claim limitations. In view of the arguments made hereinabove, any such inherency argument has been adequately rebutted, and a notice of allowance or a specific prior art showing of such claim features, in combination with the remaining claim elements is respectfully requested. (See MPEP 2112)

Further, in response, applicant asserts that the fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic. *In re Rijckaert*, 9 F.3d 1531, 1534, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993); *In re Oelrich*, 666 F.2d 578, 581-82, 212 USPQ 323, 326 (CCPA 1981). "To establish inherency, the extrinsic evidence 'must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.'" *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999).

The Examiner is reminded that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference.. *Verdegaal Bros. v. Union Oil Co. Of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Moreover, the identical invention must be shown in as complete detail as contained in the claim. *Richardson v. Suzuki Motor*

*Co.*868 F.2d 1226, 1236, 9USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim.

This criterion has simply not been met by the above reference excerpt(s), as noted above. Nevertheless, despite such paramount deficiencies and in the spirit of expediting the prosecution of the present application, applicant has incorporated the subject matter of former Claim 3 et al. into the independent claims.

With respect to the subject matter of former Claim 3 et al. (now at least substantially incorporated into each of the independent claims), the Examiner has relied on Col. 6, lines 66-67 and Col. 9, lines 24-25 from Howard to make a prior art showing of applicant's claimed technique "wherein the transaction pattern further includes a record of the actions taken by the system which enable access of the user to data, and actions enabled by the data to retrieve content."

Applicant respectfully asserts that the excerpts from Howard relied on by the Examiner merely disclose "which pages are accessed most frequently," "which files are downloaded most frequently" (Col. 6, lines 66-67), and "a login script" (Col. 9, lines 24-25). However, simply teaching frequently accessed pages and frequently downloaded files, in addition to generally mentioning a login script, as in Howard, fails to even suggest a technique "wherein the transaction pattern further includes a record of the actions taken by the system which enable access of the user to data, and actions enabled by the data to retrieve content" (emphasis added), as claimed.

In the Office Action dated 04/30/2009, on Page 20, the Examiner has argued that "[l]ogging in is a user action" that "enables access to data including web pages which contain content." Further, the Examiner has stated that "[i]f [a]pplicant intended something more specific with this claim,...[then applicant should make] it more clear in the claim."

Applicant respectfully disagrees and asserts that the Examiner's argument that "[l]ogging in is a user action" that "enables access to data including web pages which contain content" (emphasis added), as asserted by the Examiner, simply fails to suggest applicant's claimed "actions taken by the system," much less specifically claimed technique "wherein the transaction pattern further includes a record of the **actions taken by the system** which enable access of the user to data, and **actions enabled by the data to retrieve content**" (emphasis added), as claimed.

Again, the foregoing anticipation criterion has simply not been met by the Howard reference, as noted above. Thus, a notice of allowance or specific prior art showing of each of the foregoing claim elements, in combination with the remaining claimed features, is respectfully requested.

Applicant further notes that the prior art is also deficient with respect to the dependent claims. For example, with respect to Claim 15 et al., the Examiner has relied on Col. 5, lines 66-67 from Howard to make a prior art showing of applicant's claimed technique "wherein the execution of the transaction pattern includes recognizing a state of a remote application."

Applicant respectfully asserts that the excerpt relied upon by the Examiner merely teaches an "output module for outputting or displaying program status results on a graphic display, print device or storage medium." Clearly, simply disclosing outputting program status results, as in Howard, fails to even mention "a remote application," let alone specifically disclose that "the execution of the transaction pattern includes recognizing a state of a remote application" (emphasis added), as claimed.

In the Office Action dated 04/30/2009, on Page 20, the Examiner has cited Col. 5, lines 54-56 of Howard and has argued that "[a]nother processing machine being communicatively coupled indicates that it is remote" and that "[i]n order to display the program status, the state has to be recognized."

Applicant respectfully disagrees and asserts that the additional excerpt from Howard teaches that "[t]he end user unit 114 may include a processing unit (not shown), such as a microprocessor or other processing machine, communicatively coupled to a storage unit" (Col. 5, lines 54-56 – emphasis added). However, teaching that the end user unit **includes** another processing machine, as in Howard, simply fails to support the Examiner's assertion that "[a]nother processing machine being communicatively coupled indicates that it is remote" (emphasis added).

Furthermore, Howard teaches that "[i]n many applications... estimating the state probability distributions and state transition probabilities of a probabilitic process is desirable" (Col. 12, lines 26-29 – emphasis added), which simply fails to even suggest "a remote application," let alone specifically disclose that "the execution of the transaction pattern includes recognizing a state of a remote application" (emphasis added), as claimed.

With respect to Claim 45, the Examiner has relied on Col. 6, lines 32-36 from Howard to make a prior art showing of applicant's claimed technique "wherein the information submitted by the single user is submitted via an e-commerce form, the information including a name of the single user, credit card information associated with the single user, and a shipping address of the single user."

Further, the Examiner has agreed that "Howard does not specifically teach the specific data recited in claim 45. Additionally, the Examiner has stated that "the differences are only found in the non-functional descriptive material and are not functionally involved in the steps recited." Furthermore, in the Office Action dated 04/30/2009, on Page 21, the Examiner has stated that "[a]pplicant is again reminded that when the details about how the various data is used are not claimed, it is considered non-functional descriptive material."

Applicant respectfully disagrees and asserts that applicant's claimed technique is functional. For example, applicant clearly claims that "the information submitted by the

single user is submitted via an e-commerce form, the information including a name of the single user, credit card information associated with the single user, and a shipping address of the single user" (emphasis added), as claimed. In addition, in the context of Claim 1, applicant claims "storing in memory a transaction pattern...[that] includes a record of: information submitted by the single user," where "the information include[es] a name of the single user, credit card information associated with the single user, and a shipping address of the single user" (emphasis added), as claimed. Therefore, applicant's specifically claimed technique "wherein the information submitted by the single user is submitted via an e-commerce form, the information including a name of the single user, credit card information associated with the single user, and a shipping address of the single user," as claimed, is functional.

Furthermore, applicant respectfully asserts that Howard teaches that "background processing visible to the visitor is executed (e.g., when a visitor clicks on a button on an Entry Form, that form may be submitted to a database, followed by the presentation of new page view to the visitor...)" (Col. 6, lines 32-36 – emphasis added).

However, submitting a form to a database when a visitor clicks on a button, followed by a presentation of a new page view to the visitor, as in Howard, simply fails to even suggest applicant's claimed technique "wherein the information submitted by the single user is submitted via an e-commerce form, the information including a name of the single user, credit card information associated with the single user, and a shipping address of the single user" (emphasis added), as claimed.

Again, since the above criterion has simply not been met by the above reference excerpt(s), as noted above, a notice of allowance or specific prior art showing of each of the foregoing claim elements, in combination with the remaining claimed features, is respectfully requested.

To this end, all of the independent claims are deemed allowable. Moreover, the remaining dependent claims are further deemed allowable, in view of their dependence on such independent claims.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 505-5100. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 50-1351 (Order No. NVIDP371).

Respectfully submitted,
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